

**HOUSE BILL NO. 3009**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 9/11/21

Referred: Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to utilization review requirements; making temporary changes to state**  
2    **law in response to the novel coronavirus disease (COVID-19); relating to telemedicine**  
3    **and telehealth; relating to background checks; and providing for an effective date."**

4    **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5       **\* Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
6    to read:

7           PURPOSE. The purpose of this Act is to provide for mitigation measures that will  
8    enhance the state's ongoing efforts to reduce the spread of the novel coronavirus disease  
9    (COVID-19).

10       **\* Sec. 2.** AS 21.06.080 is amended by adding a new subsection to read:

11           (f) During a recognized federal or state public health disaster or emergency,  
12       the director may order health care insurers to waive utilization review requirements,  
13       including preauthorization requirements for medical services, concurrent review for  
14       inpatient hospital services, retrospective review of inpatient and outpatient services,

1 emergency services and payment of claims, and requirements for placements of policy  
2 holders in post-acute facilities. In this subsection, "utilization review" has the meaning  
3 given in AS 21.07.250.

4 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 **TELEMEDICINE AND TELEHEALTH.** (a) Notwithstanding any other provision of  
7 law, beginning from the effective date of this Act and until July 1, 2022, the provisions of  
8 AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing  
9 treatment, rendering a diagnosis, or prescribing, dispensing, or administering a prescription,  
10 excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through telehealth as  
11 defined in AS 47.05.270(e), without first conducting an in person physical examination, if

12 (1) the health care provider is licensed, permitted, or certified to provide  
13 health care services in another jurisdiction and is in good standing in the jurisdiction that  
14 issued the license, permit, or certification;

15 (2) the health care services provided without an in-person physical  
16 examination are within the health care provider's authorized scope of practice in the  
17 jurisdiction that issued the health care provider's license, permit, or certification;

18 (3) in the event that the health care provider determines that the encounter will  
19 extend beyond the scope of practice or scope of services described in this section, the health  
20 care provider advises the patient that the health care provider is not authorized to provide the  
21 services to the patient, recommends that the patient contact a health care provider licensed in  
22 the state, and terminates the encounter.

23 (b) The amount charged by a health care provider for services provided under this  
24 section must be reasonable and consistent with the ordinary fees typically charged for that  
25 service and may not be more than the ordinary fees typically charged for that service. A health  
26 care provider who is required to terminate an encounter under (a)(3) of this section may not  
27 charge for any services provided during the encounter.

28 (c) Notwithstanding any other provision of law, beginning from the effective date of  
29 this Act and until July 1, 2022, the commissioner of health and social services may waive any  
30 state law or regulation if compliance would substantially prevent or impede the provision of  
31 health care services under this section. Nothing in this subsection may be construed to

1 abrogate authority granted to the commissioner of health and social services under  
2 AS 18.15.390.

3 (d) In this section, "health care provider" has the meaning given in AS 18.15.395 and  
4 includes a person that provides behavioral health care services.

5 \* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to  
6 read:

7 BACKGROUND CHECKS; APPLICABILITY. Notwithstanding any other provision  
8 of law, beginning from the effective date of this Act and until July 1, 2022, the requirement  
9 for hospitals and nursing facilities to seek background checks from the Department of Health  
10 and Social Services is suspended. Hospitals and nursing facilities shall provide sufficient  
11 information to attest to the hiring process for all employees at the facility and confirm that a  
12 background check has been conducted as part of that hiring process.

13 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).